

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ATRIN STRONG,)
)
)
Plaintiff,)
)
)
v.) No. 4:08CV1457 MLM
)
)
DON ROPER, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Atrin Strong (registration no. 509566), an inmate at Southeast Correctional Center, for leave to commence this action without payment of the required filing fee [Doc. #2]. For the reasons stated below, the Court finds that plaintiff does not have sufficient funds to pay the entire filing fee and will assess an initial partial filing fee of \$14.09. See 28 U.S.C. § 1915(b)(1). Furthermore, the Court will dismiss the complaint because it does not comport with the requirements of Rules 8 or 11 of the Federal Rules of Civil Procedure.

28 U.S.C. § 1915(b)(1)

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner bringing a civil action in forma pauperis is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his or her prison account to pay the entire fee, the Court must assess and, when funds exist, collect an initial partial filing fee of 20 percent of the

greater of (1) the average monthly deposits in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10, until the filing fee is fully paid. *Id.*

Plaintiff has submitted an affidavit and a certified copy of his prison account statement for the six-month period immediately preceding the submission of his complaint. A review of plaintiff's account indicates an average monthly deposit of \$70.43, and an average monthly balance of \$24.39. Plaintiff has insufficient funds to pay the entire filing fee. Accordingly, the Court will assess an initial partial filing fee of \$14.09, which is 20 percent of plaintiff's average monthly deposit.

Standard

Pursuant to Rule 8(a) of the Federal Rules of Civil Procedure, "A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief . . ."

Pursuant to Rule 11(a) of the Federal Rules of Civil Procedure, “Every pleading, written motion, and other paper must be signed by . . . [the] party personally if the party is unrepresented [by counsel].”

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss an action if plaintiff fails to comply with the Rules of Civil Procedure.

Discussion

Plaintiff’s complaint consists of 84 pages of rambling descriptions of case law. The complaint does not contain a short and plain statement of the claim showing that plaintiff is entitled to relief. Additionally, the complaint is not signed.

The complaint will be dismissed for failure to comply with Rules 8 or 11. See Williams v. Harmon, Case No. 07-3800 (8th Cir. 2008) (unpublished per curiam) (affirming preservice dismissal of complaint for failure to comply with Rule 8). This dismissal is without prejudice to plaintiff filing a complaint that conforms to the Rules of Civil Procedure. This dismissal does not constitute a strike under 28 U.S.C. § 1915(g).

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiff shall pay an initial filing fee of \$14.09 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint does not comply with Rules 8 or 11 of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 41(b).

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 14th day of October, 2008.



Carol E. Jackson
UNITED STATES DISTRICT JUDGE